



# STAFF DISCIPLINARY PROCEDURES

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## **INTRODUCTION**

1. The Trust requires high standards of discipline from its employees, which includes acting only in the best interests of those in their care, exemplary standards of professionalism and propriety at work and upholding the Trust's good name and reputation at all times. Employees and workers are contractually obliged to abide by the Trust's Code of Conduct for Staff and Volunteers.

2. These Disciplinary Procedures apply to any misconduct by a member of staff or failure to meet standards of attendance. Failure to meet the required standards of performance will be dealt with using the Trust's Capability Procedures, which form part of the Trust's Performance Management and Appraisal Policy.

3. The purpose of these procedures is corrective rather than punitive and the disciplinary process exists to help and encourage employees to achieve and maintain standards of conduct and attendance and to ensure consistent and fair treatment for all employees.

## **PRINCIPLES**

4. No disciplinary action will be taken until the case has been investigated adequately. In cases involving serious misconduct, different people will conduct the investigation and disciplinary hearing.

5. In some cases, an investigation of alleged disciplinary offences may result in investigatory meetings. An investigatory meeting does not, in itself, constitute disciplinary action.

6. The outcome of any disciplinary proceeding will depend on the nature or severity of the incident. There is no formal requirement to progress through stages of warning and the outcome of any disciplinary hearing will reflect the offence.

7. At all stages, the employee will be advised in writing of the allegations against them, their rights for representation and the possible outcomes.

8. Members of staff must not record any conversations or meetings taking place within the work environment, unless the recording has been agreed to beforehand. Any member of staff who does record conversations without permission may be subject to disciplinary action.

9. The Headteacher/Head of School and/or Trustees when appropriate is responsible for operating this procedure and is able to issue disciplinary warnings. Legislation allows for dismissal decisions to be made by:

- One or more Trustees
- The Headteacher or Head of School/CEO
- One or more Trustees with the Headteacher or Head of School/CEO

10. The Board of Trustees should on at least an annual basis, discuss and agree where responsibility for dismissal of staff (other than the Headteacher/Head of School) will fall and their decision must be formally recorded in the minutes of the full Trust Board meeting.

11. Employees who abuse this (or any other) procedure by making malicious or frivolous allegations may face disciplinary action.

12. All parties involved in a disciplinary matter should treat the information which is the subject of the disciplinary investigation in strict confidence.

13. Information should not be shared with anyone who is not directly involved in these procedures. However those involved can discuss these matters with their representatives or advisers and in some cases, there will be a requirement for information to be shared with other bodies (for example, where allegations of abuse are made or suitability to work with children in the future may be a concern).

### **The Right to Be Accompanied**

14. The employee has the right to be accompanied by a colleague or trade union official to any disciplinary meeting that could result in a formal warning or disciplinary action or the warning/action being confirmed. Employees are also entitled to be accompanied at any appeal hearing.

15. The companion may be either a Trade Union Official or a fellow worker and will be allowed to address the meeting/hearing and confer with the employee. However, he/she will not have the right to answer questions on the employee's behalf.

16. The statutory right to be accompanied by a fellow worker or trade union official does not apply to interviews that are purely investigatory in nature.

17. If the employee concerned is a trade union steward or officer, the Headteacher/ Head of School should, with the agreement of the employee, contact the regional officer prior to commencement of this procedure.

## **DISCIPLINARY PROCESS**

### **Investigation**

18. An employee's line manager should promptly investigate any matter that is reasonably suspected or believed to contravene any of the Trust's policies or rules or may otherwise be a disciplinary matter. The line manager should seek advice from the HR Director and take advice on the appropriate course of action.

19. In some cases, following the initial investigation by the line manager, the Head of School/ Headteacher/CEO or COO may appoint a member of the Trust's senior management team or an external investigator to continue the investigation. In such cases, the Investigation Procedures at Annex A should be followed.

20. Where formal disciplinary procedures are likely to be initiated, the employee is to be informed as soon as possible of the fact of an investigation and when it has been concluded.

21. Depending on the circumstances of the case, the employee may be invited to attend an investigatory interview. If such an interview is held prior to a disciplinary hearing, the employee will be informed at the outset that the interview is an investigatory interview. There is no statutory right for employees to be accompanied at a formal investigatory interview. The Trust reserves the right to dispense with an investigatory interview and to proceed directly to a formal disciplinary hearing.

22. Any complaint involving allegations relating to child protection must be referred to the Local Authority Designated Officer (LADO). The LADO's advice must be considered before any investigation takes place under this procedure.

23. The employee may be required to attend a formal investigatory interview. The employee must receive at least five working days' notice in writing of the requirement to attend. The letter should give the employee information about the allegations.

24. In the event of the alleged offence being serious enough to justify an allegation of Gross Misconduct, the procedures outlined below relating to Summary Dismissal and the Investigation Procedures at Annex A should be followed.

25. In the case of an allegation made against the Head of School/ Headteacher, in the first instance, the Trustee/Governor receiving the complaint should take advice from the Deputy CEO. The person appointed to conduct the investigation should be unconnected to the allegation and not the same person who initially received the complaint.

### **Informal Disciplinary Proceedings**

26. Many disciplinary matters can be effectively dealt with informally, provided that the line manager does not delay in speaking to the employee. The line manager should meet privately with the employee and explain that an issue has arisen that needs discussion or clarification. The purpose of the meeting will be three-fold, namely to:

- a. make the employee aware of how and why his or her conduct is causing a problem, or the precise way in which the employee's behaviour has fallen short of what is required;
- b. establish the reason for the particular conduct or behaviour; and
- c. seek agreement on how to ensure that the misconduct or inappropriate behaviour does not continue or recur.

27. Despite the informality, the line manager should set a date to review the employee's progress and it is advisable for notes of the meeting to be kept on file. The notes should show:

- a. the date, time and place of the meeting;
- b. the key points discussed;
- c. any action points agreed; and
- d. the fact that there was no formal outcome, ie that the meeting was informal and no warning was issued.

28. In the case of an allegation made against the Principal/Headteacher, the Chair of SETB Trustees is responsible for discussing the matter with the Principal/Headteacher. The proceedings should be recorded, as detailed above, and any outcome to be made by the Chair of the SETB Trustees.

### **Suspension**

29. The law delegates suspension to the Headteacher, Head of School, CEO or COO or nominated Trustees. In the case of employees other than the Headteacher, Head of School, CEO or COO, the Headteacher/Head of School would normally take the decision to suspend. In the case of the suspension of the Headteacher, Head of School, CEO or COO the Chair of Trustees (or other nominated Trustees) would take the decision.

30. If there are clear indications that an employee has acted in a manner which may constitute gross misconduct, or if the employees' presence at work may hinder the

investigation, suspension would be appropriate. The Headteacher/Head of School or nominated Trustee should where possible consult the employee before the decision to suspend is taken.

31. When a decision to suspend is taken, it must be made clear that the suspension is neither a disciplinary penalty nor an assumption of guilt. The employee must be given the details of people or organisations they can contact for support whilst suspended.

32. Gross misconduct is generally defined as misconduct serious enough to fundamentally undermine, i.e. damage beyond repair, the employment contract between the employer and the employee and to make any future working relationship and trust impossible. Examples of gross misconduct are outlined later in this procedure.

33. If a suspended employee is certificated by their GP as being unfit for work, the employee will be paid in accordance with their sick pay entitlement for that period of certification. This means that if a period of certificated sick leave continues beyond the employees' entitlement to full pay, the employee will receive pay in line with their sick pay entitlement which may be at half pay or no pay rate.

34. At frequent intervals, the Headteacher/Head of School and/or nominated person should review whether an employee should remain suspended. Any suspension which extends beyond four working weeks must be reported to the CEO with details of how the investigation is progressing and when it is likely to end. Where any suspension continues for three months, the employee must be notified of the reasons for the suspension continuing and when it is likely to come to an end.

35. The responsibility for lifting suspension rests with the Headteacher/CEO or Chair of Trustees.

### **Formal Disciplinary Procedures**

36. Where, upon completion of an investigation, there are reasonable grounds to believe that an employee has committed an act of misconduct that could result in a formal warning, the employee will be invited to attend a disciplinary hearing before the Principal/Headteacher or a Vice Principal/Deputy Headteacher (or a panel of Trustees in the case of an allegation against the Principal/Headteacher).

37. In the event of a disciplinary hearing taking place, the Trust will write to the employee and:

- a. give a minimum of five working days' advance notice of the hearing;
- b. provide the employee with the time and date of the hearing;
- c. tell the employee the purpose of the hearing and that it will be held under the Trust's disciplinary procedure;
- d. enclose a copy of the disciplinary procedure for the employee;
- e. explain the employee's right to be accompanied at the hearing by a fellow worker or trade union official;
- f. give the employee written details of the nature of his/her alleged misconduct;
- g. provide to the employee all relevant information including statements taken from any witnesses or other people involved in the incident;

- h. the names of any witnesses to be called;
- i. inform the employee that they may call their own witnesses to the hearing;
- j. the employee will have the opportunity to state their case and question any witnesses;
- k. a statement that the employee must take all reasonable steps to attend the meeting;
- l. any previous warnings that could be taken into account when deciding the level of disciplinary action;
- m. the fact that, depending on its findings, the hearing could result in disciplinary action and where appropriate, this could include summary dismissal, and;
- n. inform the employee of who will make the decision regarding any disciplinary action.

38. A second copy of the documentation above should be provided to the employee for them to pass to their trade union representative or work colleague. If requested by the employee, the second set of papers can be issued direct to the trade union representative or work colleague.

39. Where the employee is unable to attend a disciplinary hearing and provides a good reason for failing to attend, the hearing will be adjourned to another day. The Trust will give the appropriate notice of the rearranged hearing. Unless there are special circumstances, if the employee is unable to attend the rearranged hearing, the rearranged hearing will take place in the employee's absence. The employee's fellow worker or trade union official may attend in the employee's absence and will be allowed the opportunity to present the employee's case. The employee will also be allowed to make written submissions in such a situation.

40. Where the chosen companion is unavailable on the day scheduled for the meeting, it will be rescheduled, provided that the employee informs the Trust at least two days in advance and proposes an alternative time within five working days of the scheduled date.

41. On receipt of the notification, the employee must inform the Trust if they intend to call their own witnesses to the hearing and they must provide the names of their witnesses.

### **The Disciplinary Hearing**

42. A disciplinary hearing will normally be conducted by the Principal/Headteacher or a Vice Principal/Deputy Headteacher (or a panel of Trustees in the case of an allegation against the Principal/Headteacher). Any person responsible for the investigation of the disciplinary offence(s) shall not be a member of the panel, although they may present any supporting facts and material to the disciplinary hearing. The HR Director or member of the HR staff will be present to record the hearing.

43. During the hearing, the employee will be given a reasonable opportunity to ask questions, present evidence and call relevant witnesses. He/she will also be given the opportunity to raise points about any information provided by witnesses.

44. The Trust may adjourn the disciplinary proceedings if it appears necessary or desirable to do so (including for the purpose of gathering further information). The employee will be informed of the period of any adjournment. If further information is gathered, the employee will be allowed a reasonable period of time, together with his/her fellow worker or

trade union official, to consider the new information prior to the reconvening of the disciplinary proceedings.

45. As soon as possible after the conclusion of the disciplinary proceedings, the Principal/Headteacher (or the person hearing the case) will convey his/her decision to the employee and will also inform the employee what disciplinary action, if any, is to be taken. The decision will be confirmed in writing. The employee will be notified of his/her right of appeal under this procedure which needs to be received within 5 working days of receiving the written decision.

46. The records of the disciplinary investigation and hearing will be handled in accordance with the Data Protection Act 1998 at all times and retained on the employee's personnel file.

### **Disciplinary Action**

47. Following a disciplinary hearing, if the Trust has established that the employee has committed a disciplinary offence, the following disciplinary action may be taken:

a. Professional Guidance. Where a minor offence or offences have been committed, professional guidance may be given, in writing. The guidance will ordinarily state that any further misconduct will render the employee liable to further, more severe disciplinary action.

b. First Written Warning. Where either a more serious disciplinary offence has been committed (or further minor offences have been committed by an employee following professional guidance), the employee will receive a first written warning. The warning will:

- set out the nature of the offence committed;
- inform the employee that further misconduct is liable to result in further disciplinary action under this procedure;
- specify the period for which the warning will remain active and that after such period the Trust will review the warning; and
- state that the employee may appeal against the warning.

c. Final Written Warning. Where a serious disciplinary offence amounting to gross misconduct has been committed, potentially justifying summary dismissal, but the Disciplinary Hearing recommends that a lesser penalty is appropriate (or where an employee commits further disciplinary offences after a first written warning has been issued), a final written warning may be given. Such a warning will:

- set out the nature of the offence committed;
- inform the employee that further misconduct is likely to result in his/her dismissal;
- specify the period for which the warning will remain active and that after such period the Trust will review the warning; and
- state that the employee may appeal against the warning.

d. Alternative to Dismissal. Where alternative to dismissal is decided, the trust may impose on the employee:

- demotion or transfer to a job of a lower pay grade.
- e. Procedural Dismissal. Where the employee has committed further acts of misconduct (these being acts of misconduct other than gross misconduct) following a final written warning, the employee may be dismissed with notice or with pay in lieu of notice.
- f. Summary Dismissal. Where the Trust establishes that an employee has committed an act of gross misconduct, the employee may be summarily dismissed without notice. See paragraphs below on Summary Dismissal.

### **Expiry of Warnings**

48. Warnings will remain active for a specified period, unless they relate to an issue which has child protection implications when they will remain extant indefinitely. During the active period, a warning will automatically be taken into consideration when dealing with any further incident of misconduct
49. Normal active periods for warnings are:
- a. two full terms for professional guidance or a first written warning; and
  - b. six full terms for a final written warning.

### **SUMMARY DISMISSAL**

50. Summary dismissal, without notice, may take place if an act of gross misconduct is committed.

### **Gross Misconduct**

51. Gross misconduct is misconduct of such a serious and fundamental nature that it breaches the contractual relationship between the employee and the Trust. In the event that an employee commits an act of gross misconduct, the Trust will be entitled to terminate summarily the employee's contract of employment without notice or pay in lieu of notice.
52. Matters that the Trust views as amounting to gross misconduct include (but are not limited to):
- a. stealing from the Trust, members of staff or students;
  - b. other offences of dishonesty;
  - c. falsification of a qualification that is a stated requirement of the employee's employment or results in financial gain to the employee;
  - d. falsification of records, reports, accounts, expense claims or self-certification forms, whether or not for personal gain;
  - e. sexual misconduct at work;
  - f. fighting with or physical assault on members of staff or students;
  - g. deliberate or serious damage to or misuse of the Trust's property;
  - h. being under the influence of alcohol, illegal drugs or Novel Psychoactive Substances (NPS) while at work;



- i. possession, custody or control of illegal drugs or Novel Psychoactive Substances (NPS) on the Trust's premises;
- j. serious breach of the Trust's policies and rules, including, but not restricted to, health and safety rules and rules on computer use;
- k. gross negligence;
- l. gross dereliction of duty;
- m. conviction of a serious criminal offence whilst in the Trust's employment;
- n. conduct that brings the Trust's name into disrepute, including inappropriate use of social media;
- o. discrimination or harassment of a fellow worker or student on the grounds of sex, sexual orientation, race, disability, age or religion or belief;
- p. any serious breach of Teachers' Personal and Professional Conduct as defined by Teachers' Standards (Part Two); and
- q. any conduct that comprises the safety of children.

### **Summary Dismissal Process**

53. Any incident involving an offence that could be classed as Gross Misconduct should be investigated with a view to summary dismissal. The process should be:

a. Initial Investigation. The initial investigation should be conducted promptly once the incident is formally reported. This may involve investigative meetings with those involved and the individuals involved could be asked to produce written statements, but this should not delay the process at this stage. The aim of the initial investigation is to identify the alleged offence(s).

b. Suspension. Once it is established that the alleged offence could be considered Gross Misconduct and therefore the employee is liable to be summarily dismissed, the initial investigator should consider suspending the employee from work while the full investigation is completed. This would always be appropriate in cases involving the safeguarding of children or where there is risk to the Trust's property, reputation or the conduct of the investigation. Where the decision is taken to suspend the employee:

- The employee should be notified of the suspension in person by the person conducting the initial investigation.
- The suspension should be confirmed in writing within 5 working days.
- The employee will receive their full pay, but will not be allowed to be on the Trust premises for any reason, unless specifically invited for an investigatory meeting or disciplinary hearing.

c. Investigation. The full investigation should be conducted in accordance with the Investigation Procedures at Annex A.

d. Disciplinary Hearing. Disciplinary hearings should normally be conducted by the Principal/Headteacher or their nominated deputy provided that he/she has not

been involved in the investigation, in accordance with the guidance on Disciplinary Hearings, above.

## **APPEAL**

54. An employee may appeal against any disciplinary sanction imposed against him/her, with the exception of Professional Guidance. The appeal will normally be heard by the Principal/Headteacher, provided he/she has not been involved in the disciplinary process. In cases where the disciplinary case was heard by the Principal/Headteacher, the Appeal will be heard by a Trustee.

55. When lodging an appeal, the employee must state, in writing:

a. the grounds of appeal; and

b. whether he/she is appealing against the finding that he/she has committed the alleged act or acts of misconduct, or against the level of disciplinary sanction imposed.

56. The employee must provide written notice of the appeal within five working days of being informed of the disciplinary sanction being imposed against him/her.

57. When hearing the Appeal, the Principal/Headteacher (or the person hearing the Appeal) is obliged to consider any representations made by the employee, the employee's fellow employee or trade union official and those of the manager who conducted the investigation and the manager who conducted the disciplinary hearing and imposed the disciplinary sanction. The Principal/Headteacher must decide on the basis of both sets of representations, together with any subsequent facts that may have come to light, whether or not to uphold the disciplinary sanction.

58. Appeal hearings will normally take place within 14 days of receipt of the employee's written notice of appeal.

59. Upon completion of the appeal, the person conducting the hearing will convey his/her decision to the employee. The decision will be confirmed in writing within 5 working days. The Trust's decision at the appeal is final.

60. In the event that the Appeal over-turns a decision that resulted in a disciplinary sanction, all records of the disciplinary sanction will be removed from the employee's record.

61. Where an employee appeals against a dismissal with notice, the decision to dismiss will have had immediate effect from the result of the hearing and the period of notice will already have commenced on the date that the decision was given. If the decision is upheld at appeal, the notice period will continue from the original date of notification of dismissal. If the decision is over-turned, the employee can return to work immediately without loss of pay.

62. If the decision was to dismiss the employee summarily without notice, the Trust will be under no obligation to reinstate or pay the employee for any period between the date of the original dismissal and the appeal decision. If the decision is upheld, the original date of termination will stand. If the decision to dismiss is overturned, the employee will be reinstated with immediate effect and he/she will be paid for any period between the date of the original dismissal and the successful appeal decision. His/her continuous service will not be affected.

Annex:

A. Investigation Procedures

B. Responsibilities under the Disciplinary Policy and Procedure

## **INVESTIGATION PROCEDURE**

1. This investigation procedure will normally be used only when an employee is suspected of committing an act of serious misconduct or act in serious breach of any of the Trust's policies, procedures or rules. It will not be used in cases of minor misconduct, which should instead be dealt with directly and promptly by the individual's line manager. Similarly, where the matter is routine or straightforward, there will be no need to conduct a separate investigation.

2. This investigation procedure should not be used in cases of unsatisfactory job performance. In these circumstances, the Capability Procedures detailed in the Trust's Performance Management and Appraisal Policy should be followed.

### **Initial Investigation**

3. The initial investigation, when the incident is reported, must be conducted promptly, normally within two weeks of the incident being reported to HR or a Vice Principal/Deputy Headteacher.

4. The person conducting the initial investigation does not need to be the same person appointed to the full investigation. In most cases, it is appropriate for the initial investigation to be completed by the HR Director, in conjunction with the employee's Line Manager.

5. The initial investigation should include information gathering, which may include investigatory interviews with the person alleged to have committed the offence, witnesses etc. The investigation may also include written statements produced by those involved in the incident. However, the initial findings should not be held up by the need to gather extensive written statements, as this can form part of the main investigation.

6. On conclusion of the initial investigation, if it is established that a full investigation is required, the Trust will consider whether the employee should be suspended with pay for the duration of the investigation.

7. The employee must be informed in writing that a full investigation will be conducted which may lead to a disciplinary hearing. The employee must also be informed of the alleged offences, the possible outcomes and who will be conducting the investigation.

### **Nominated Investigator**

8. It is Trust policy that the Principal/Headteacher or their nominated deputy will conduct any disciplinary hearings that are required as a result of an investigation. The Principal/Headteacher should therefore not be the person investigating the offence.

9. In most cases, a Vice Principal/Deputy Headteacher will be nominated to investigate any incident that is to be investigated under this procedure and which may result in the employee being summarily dismissed. In other cases, where an investigation is considered essential, the employee's line manager or an external investigator may be appointed to investigate. The Trust reserves the right to nominate any other person to conduct the investigation where it considers this to be appropriate.

### **Timescales**

10. The person conducting the investigation and the HR Director are responsible for ensuring that all necessary steps are taken promptly and without any unreasonable delays.

The Trust would normally expect a disciplinary investigation to be completed within four weeks. In exceptional or complex situations it may take longer.

11. The employee also has a responsibility to ensure that he/she responds promptly to any enquiries relating to the investigation and makes himself/herself available for meetings as required.

12. It is expected that investigations will take longer when the investigation period includes periods of Trust holidays. In these cases, it may not be possible to progress the investigation due to the absence of staff.

### **The Investigation Procedure**

13. In investigating an employee's alleged misconduct, the person conducting the investigation will:

- a. examine any relevant written records, for example previous disciplinary warnings, appraisal reports, file notes;
- b. check whether there are any earlier warnings that should be taken into account;
- c. consult any other managers with whom the employee has come into contact to help establish relevant facts;
- d. talk privately and in confidence to any employees who may have evidence relating to the employee's alleged misconduct or who may have been witness to any relevant incident, and produce an accurate written summary of any such evidence;
- e. seek the consent of any such employee to use the summary of the evidence so collected as a signed written statement;
- f. conduct an investigatory interview with the employee, making sure that the employee knows that the purpose of the interview is to establish the facts and that the interview is not part of the Trust's disciplinary procedure; and
- g. take an objective and balanced view of any information that comes to light, and avoid allowing personal views, opinions, and likes or dislikes to influence the assessment of the employee's conduct.

14. Covert CCTV will only ever be set up and used for an investigation or detection of crime or serious misconduct and in accordance with current policy. The use of covert CCTV will be justified only in circumstances where the investigator has a reasonable suspicion that the crime or serious misconduct is taking place and where covert CCTV use is likely to be a proportionate means of securing evidence.

15. The Trust reserves the right to monitor employees' Trust email account and internet usage, if required as part of an investigation. The Trust considers the following to be valid reasons for checking an employee's email account and/or internet usage:

- a. if the organisation suspects that the employee has been viewing or sending offensive, illegal or inappropriate material;
- b. if the organisation suspects that the employee has been spending an excessive amount of time viewing websites that are not work related;

- c. if the organisation suspects that an employee has been using the email system to send and receive an excessive number of personal communications;
- d. if the organisation suspects that the employee is sending or receiving emails that are detrimental to the organisation.

### **Investigatory Interview with the Employee**

16. The employee may be invited to attend an investigatory interview with the person conducting the investigation.

17. Where an investigatory interview is held with the employee, the individual conducting the interview will, on completion of the interview, produce a written statement summarising the information given by the employee.

### **The Right to be Accompanied**

18. The statutory right to be accompanied by a fellow worker or trade union official does not apply to interviews that are purely investigatory in nature.

19. However, the person conducting the investigation may consider a request from an employee under investigation to bring a colleague along to any investigatory interview, in certain circumstances. However, the Trust reserves the right to refuse such requests, when not appropriate.

### **Following the Investigation**

20. At the conclusion of the investigation, the person conducting the investigation, with the advice of the HR Director, will decide whether or not it is appropriate to initiate disciplinary proceedings against the employee. The Trust will inform the employee of the outcome of the investigation, in writing, within five working days of the conclusion of the investigation.

21. Where it is decided to initiate disciplinary proceedings, the employee will be given full details in writing of the case against him/her and invited to attend a disciplinary hearing.

### **Disclosure of Witness Statements & Evidence**

22. Where disciplinary proceedings are instigated following an investigation and where evidence about an employee's alleged misconduct has been obtained from third parties in the form of written statements, either the statements themselves or a summary of their content will be given to the employee. However, the Trust reserves the right to conceal the identity of any or all of the parties, if there is a legitimate reason to do so. In those circumstances, the Trust will provide redacted statements or a summary of the information to the employee.

23. Evidence obtained via CCTV monitoring, or monitoring of email or internet access, may be used against an employee in disciplinary proceedings only where such evidence tends to show, in the reasonable belief of the employer, that he or she has been guilty of serious misconduct. The employee will be given a chance to see and respond to the evidence in these circumstances.

### **Records**

24. The records of the disciplinary investigation will be handled in accordance with the Data Protection Act 1998 at all times.

## RESPONSIBILITIES UNDER THE DISCIPLINARY PROCEDURE

Employee	Suspension (if necessary) and Investigation	Professional guidance/first written warning/final written warning	Disciplinary – action short of dismissal	Dismissal	Appeal
Support Staff	Line Manager/ Department Head	Line Manager/ Department Head	Line Manager/Department Head	Head of School	CEO
Teachers	Senior Leadership Team/ person in charge of school at the time of alleged misconduct	Head of School	Head of School	Head of School	Trustees
Heads of Department/ Line Managers	Senior Leadership Team/ person in charge of school at the time of alleged misconduct	Head of School/CEO	Head of School/CEO	CEO	Trustees
Head of School	Investigating officer to be appointed by the CEO	CEO	CEO and Trustee	CEO and Trustee	Panel of no less than three Trustees
CEO/COO	Chair of Trustees	Panel of Trustees	Panel of Trustees	Panel of Trustees	Panel of no less than three Trustees